

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>D. EDWARD HAYS, #162507 ehays@marshackhays.com LAILA MASUD, #311731 lmasud@marshackhays.com BRADFORD N. BARNHARDT, #328705 bbarnhardt@marshackhays.com MARSHACK HAYS LLP 870 Roosevelt Irvine, CA 92620 Telephone: (949) 333-7777</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Appellant, Houser Bros. Co.</p>		<p>FOR COURT USE ONLY</p>	
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b></p>			
<p>In re: JAMIE LYNN GALLIAN,</p> <p>Debtor(s).</p>		<p>CASE NO.: 8:21-bk-11710-SC ADVERSARY NO.: (if applicable) CHAPTER: 7</p>	
<p>Plaintiff(s) (if applicable). vs.  Defendant(s) (if applicable).</p>		<p><b>NOTICE OF APPEAL AND STATEMENT OF ELECTION</b></p>	

### **Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): Houser Bros Co., dba Rancho Del Rey Mobile Home Estates

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff  
☐ Defendant  
☐ Other (*describe*):

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor  
☒ Creditor  
☐ Trustee  
☐ Other (*describe*):

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from:  
Dk. No. 274 - Order Granting Debtor's Motion for Reconsideration of the Court's August 5, 2022 Order Sustaining Objection to Debtor's Homestead Exemption.
2. The date the judgment, order, or decree was entered: 12/19/2022

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (*attach additional pages if necessary*):

1. Party: Houser Bros Co., dba Del Rey Mobile Home Estates  
Attorney:  
D. EDWARD HAYS - ehays@marshackhays.com  
LAILA MASUD - lmasud@marshackhays.com  
BRADFORD N. BARNHARDT - bbarnhardt@marshackhays.com  
MARSHACK HAYS LLP  
870 Roosevelt Irvine, CA 92620  
Telephone: (949) 333-7777
2. Party: Jamie Lynn Gallian  
Attorney:  
Jamie Lynn Gallian, In Pro Per - jamiegallian@gmail.com  
16222 Monterey Lane, Unit 376  
Huntington Beach, CA 92649  
Telephone (714) 321-3449

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

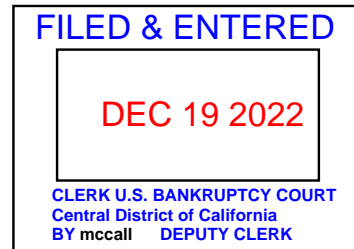
/s/ D. Edward Hays Date: 12/29/2022  
Signature of attorney for appellant(s) (or appellant(s)  
if not represented by an attorney)

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**[Note to inmate filers:** If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

**EXHIBIT 1**

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**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA DIVISION**

In re  
JAMIE LYNN GALLIAN,  
  
Debtor.

Chapter 7  
  
Case No. 8:21-bk-11710-SC  
  
**ORDER GRANTING DEBTOR'S MOTION  
FOR RECONSIDERATION OF THE  
COURT'S AUGUST 5, 2022 ORDER  
SUSTAINING OBJECTION TO  
DEBTOR'S HOMESTEAD EXEMPTION**  
  
Date: September 22, 2022  
Time: 10:00 a.m.  
Place: Courtroom 5A – via zoom

On July 26, 2022, Jamie Lynn Gallian ("Debtor") filed "Debtors [sic] Notice of and Motion for Reconsideration of 7.21.22 Order Sustaining Houser Bros. Co. DBA Rancho Del Rey Mobile Home Estates [sic] Objection to Debtor's Claimed Homestead Exemption and Joinder Parties Huntington Beach Gables HOA; Janine Jasso" [dkt # 157] (the "Motion"). Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates ("Houser Bros") filed a "Response to Debtor's Notice of and Motion for Reconsideration of 7.21.22 Order Sustaining Houser Bros. Co. DBA Rancho Del Rey Mobile Home Estate's [sic] Objection to Debtor's Claimed Homestead Exemption" [dkt # 170] (the "Response") on August 4,

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2022. Jeffrey Golden, the Chapter 7 Trustee ("Trustee"), filed "Trustee's Joinder in  
Houser Bros. Co. DBA Rancho Del Rey Mobile Home Estates' Response to Debtor's  
Notice of and Motion for Reconsideration of 7.21.22 Order Sustaining Houser Bros. Co.  
DBA Rancho Del Rey Mobile Home Estate's [sic] Objection to Debtor's Claimed  
Homestead Objection" [dkt 171] (the "Trustee's Joinder") on August 4, 2022. Also on  
August 4, 2022, the Huntington Beach Gables Homeowners Association (the "HOA") filed  
"The Huntington Beach Gables Homeowners Association's Joinder to Houser Bros. Co.  
dba Rancho Del Rey Mobile Home Estates' Response to Debtor's Motion for  
Reconsideration" [dkt #173] (the "HOA Joinder"). Debtor filed a "Reply to Houser Bros Co  
DBA Rancho Del Rey MobileHome [sic] Estates [sic] Opposition to Debtors [sic] Motion  
for Consideration [sic] of 7/21/22 Order Sustaining Houser Bros Co DBA Rancho Del Rey  
Mobilehome [sic] Estates [sic] Objection to Debtor's Claimed Homestead Exemption" [dkt  
#185] (the "Reply"). The Motion initially came on for hearing before the Honorable Erithe  
A. Smith, United States Bankruptcy Judge, on August 18, 2022 at 10:30 a.m. The hearing  
was subsequently continued to September 22, 2022 for further oral argument.  
Appearances were made as noted on the Court's record. After the hearing, the matter  
was taken under advisement.<sup>1</sup>

For the reasons set forth in the Memorandum of Decision Regarding Debtor's  
Motion for Reconsideration of the Court's August 5, 2022 Order Sustaining the Objection  
to Debtor's Homestead Exemption entered on December 19, 2022 [Dkt. 273], it is hereby  
ordered that:

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<sup>1</sup> This case was transferred to the Honorable Scott Clarkson on September 1, 2022 due to the retirement of the undersigned, Judge Erithe Smith on October 29, 2022. However, as Judge Smith issued the underlying order sustaining Trustee's objection to Debtor's homestead exemption, presided over the hearing on Debtor's instant motion for reconsideration, and continues to serve as a recalled bankruptcy judge, she has authority and jurisdiction to rule on the motion for reconsideration.

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- 1           1.     The Motion is granted under FRCP 59(e) on the basis of manifest  
2 error of law and under FRCP 60(b)(6);
- 3           2.     The Court's Homestead Order entered on August 5, 2022 [Dkt. 177] is  
4 vacated and, as such, Houser Bros' Homestead Motion is deemed denied; and
- 5           3.     Debtor is entitled to a homestead exemption in the amount of  
6 \$600,000 pursuant to Cal. Civ. Proc. Code. §§ 704.720(a) and 704.730(a).  
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23 Date: December 19, 2022

  
Erithe Smith  
United States Bankruptcy Judge

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF APPEAL AND STATEMENT OF ELECTION** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **December 29, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On **December 29, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

### DEBTOR

JAMIE LYNN GALLIAN  
16222 MONTEREY LN UNIT 376  
HUNTINGTON BEACH, CA 92649

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **December 29, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

### **VIA PERSONAL DELIVERY:** **PRESIDING JUDGE'S COPY**

HONORABLE SCOTT C. CLARKSON  
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA  
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE  
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C  
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 29, 2022  
Date

Layla Buchanan  
Printed Name

/s/ Layla Buchanan  
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO.:** Bradford Barnhardt  
bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Aaron E DE Leest adeleest@DanningGill.com,  
danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **TRUSTEE JEFFREY I GOLDEN (TR):** Jeffrey I Golden (TR) lwerner@wglp.com, jig@trustesolutions.net;  
kadele@wglp.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** D Edward Hays ehays@marshackhays.com,  
ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com;  
cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Eric P Israel eisrael@DanningGill.com,  
danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** Laila Masud lmasud@marshackhays.com,  
lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RANDALL L NICKEL:** Mark A Mellor mail@mellorlawfirm.com,  
mellormr79158@notify.bestcase.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **U.S. TRUSTEE:** United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

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